

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Alvin Feder  
DOCKET NO.: 03-22357.001-R-1  
PARCEL NO.: 10-21-124-013

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Alvin Feder, the appellant, by attorney Stephanie Park in Chicago and the Cook County Board of Review.

The subject property consists of 6,100 square foot parcel of land containing a four-year old, two-story, masonry, single-family dwelling. The improvement contains 3,031 square feet of living area, three baths, a fireplace, air conditioning, and a full, unfinished basement.

The appellant, via counsel, raised two arguments: first, that there was unequal treatment in the assessment process of the improvement; and second, that the fair market value of the subject is not accurately reflected in its assessed value as the bases for this appeal.

In support of the equity argument, the appellant submitted assessment data and descriptions of four properties suggested as comparable to the subject. A black and white photograph of the subject property and a brief from the appellant's attorney were also submitted. The data in its entirety reflects that the properties are located within the subject's neighborhood. These properties are improved with a two-story, masonry or frame and masonry, single-family dwelling with two and one-half or three and one-half baths, air conditioning, one or two fireplaces, and a full basement with one finished. The improvements range: in age from 16 to 54 years; in size from 2,912 to 3,149 square feet

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$ 5,856  
IMPR.: \$32,537  
TOTAL: \$38,393

Subject only to the State multiplier as applicable.

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of living area; and in improvement assessments from \$9.35 to \$11.00 per square foot of living area.

As to the market value argument, the appellant submitted a copy of the settlement statement for the subject property and an affidavit from the appellant evidencing that the property sold on June 21, 2000 for \$379,000.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$38,344, or \$12.65 per square foot and total assessment was \$44,200. The subject's assessment reflects a market value of \$276,250 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. The board also submitted copies of the property characteristic printouts for the subject as well as four suggested comparables located within one block of the subject. The board's properties contain a two-story, masonry, single-family dwelling with two and one-half baths, a fireplace, air conditioning, and a full, unfinished basement. The improvements are all six years old and range in size from 2,844 to 3,066 square feet of living area; and in improvement assessments from \$13.39 to \$14.33 per square foot of living area. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

Appellants who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill. 2d 1, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board Rule 1910.65(b)*. Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960).

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App.3d 1038 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App.3d 179 (2<sup>nd</sup> Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the

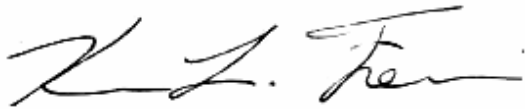
subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c).

In reviewing both the sale of the subject property and the eight comparables submitted by both parties, the PTAB concludes that the evidence indicates a reduction is warranted. The PTAB finds the best evidence of the market value of the subject property is the sale of the subject on June 21, 2000 for \$379,000. In addition, the PTAB also finds the equity evidence supports this sale. Since the market value of the subject has been established, the 2003 median level of assessment for Cook County Class 2 property of 10.13% will apply. In applying this level of assessment to the subject, the total assessed value for both parcels is \$38,393, while the subject's current total assessed value is above this amount at \$44,200. Therefore, the PTAB finds that a reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member

Member

Member

DISSENTING:

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: February 29, 2008



Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30

days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.